



UCLA SCHOOL OF PUBLIC HEALTH  
650 CHARLES E. YOUNG DR. SOUTH  
AI-295 CHS, BOX 951772  
LOS ANGELES, CALIFORNIA 90095-1772

December 13, 2011

Debra M. Cornez, Esq., Acting Director  
California Office of Administrative Law  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814  
[dcornez@oal.ca.gov](mailto:dcornez@oal.ca.gov)

Re: Emergency Request to Suspend CARB Truck and Bus Regulation Due to Pseudoscience

Dear Director Cornez:

I am writing to make an emergency request that the California Office of Administrative Law suspend the California Air Resources Board (CARB) Truck and Bus Regulation (<http://www.arb.ca.gov/regact/2010/truckbus10/truckbus10.htm>). During the past four years I have documented in great detail the pseudoscientific process that has been used since 1989 to provide an erroneous public health justification for these diesel vehicle regulations. In the best interest of honest science, legal regulations, and a healthy California economy, please examine the extensive evidence that I have assembled as to why the CARB “Truck and Bus Regulation” should not become part of the California Code of Regulations.

I have made a very strong case that these regulations, which do not exist anywhere in the world, are the direct result of 22 years of scientific and legal activism by three agencies within the California Environmental Protection Agency: Office of Environmental Health Hazard Assessment (OEHHA), Scientific Review Panel on Toxic Air Contaminants (SRP), California Air Resources Board (CARB). Also, important contributions to this effort have been made by the US Environmental Protection Agency and the Health Effects Institute and by a small, but highly influential, group of faculty members at four campuses of the University of California (Los Angeles, San Francisco, Berkeley, and Davis), Brigham Young University, Harvard University, New York University, and the University of Ottawa.

The most important scientists involved in this process have been UCLA Professor and SRP Chair John R. Froines, UCSF Professor and SRP Member Stanton A. Glantz, BYU Professor and CARB Advisor C. Arden Pope III, and UCB Professor Michael L. Jerrett. The scientific assessment by OEHHA and SRP has resulted in the CARB Truck and Bus Regulation in large part because of the activist efforts of CARB members Mary D. Nichols (a UCLA Law Professor) and John R. Balmes (a UCSF and UCB Professor).

The California effort to provide a scientific basis for the CARB diesel vehicle regulations began in 1989 when the International Agency for Research on Cancer (IARC) classified diesel exhaust as a “probable carcinogen.” In 1990 OEHHA declared diesel exhaust to be human carcinogen as per Proposition 65. Diesel exhaust is not classified as a carcinogen anywhere else in the world. Since 1991 important evidence that diesel exhaust is NOT carcinogenic in California has been systematically ignored by OEHHA and SRP and CARB. Furthermore, there is overwhelming epidemiologic evidence that fine particulate matter (PM2.5) and diesel particulate matter (PM) is not related to total mortality in California. Diesel PM is not causing “premature deaths” in California and thus there is no public health justification for the CARB diesel vehicle regulations. Diesel exhaust, specifically diesel PM, was identified as a toxic air contaminant in 1998 largely because of illegal and unethical conduct by the SRP. Since 1998 there have been essentially continuous scientific and legal efforts to get this identification reversed.

Please examine the detailed evidence that is contained in the weblinks below. This evidence provides strong support for my emergency request to suspend the CARB Truck and Bus Regulation and not allow it to become part of the California Code of Regulations.

April 22, 2008 Enstrom Comments Regarding CARB Goods Movement Emissions Reduction Program (GMERP)

[http://www.arb.ca.gov/lists/erplan08/2-carb\\_enstrom\\_comments\\_on\\_gmerp\\_042208.pdf](http://www.arb.ca.gov/lists/erplan08/2-carb_enstrom_comments_on_gmerp_042208.pdf)

<http://www.scientificintegrityinstitute.org/GMERPEnstrom042208.pdf>

June 17, 2008 UCLA Petition to Senator Perata Challenging CARB Diesel Toxic Air Contaminant Declaration

<http://www.scientificintegrityinstitute.org/CARBPetition061708.pdf>

July 11, 2008 CARB Enstrom Comments on Staff Report on PM2.5 and Premature Deaths

<http://www.scientificintegrityinstitute.org/Enstrom071108.pdf>

July 11, 2008 CARB Enstrom PM Mortality Teleconference Agenda Details

<http://www.scientificintegrityinstitute.org/AgendaFull071108.pdf>

July 11, 2008 CARB PM2.5 Premature Mortality Teleconference Transcript 071108

<http://www.scientificintegrityinstitute.org/CARB071108.pdf>

October 1, 2008 Enstrom Comments on CARB Diesel Emissions Issues

[http://www.arb.ca.gov/lists/verdev2008/33-32-carb\\_enstrom.pdf](http://www.arb.ca.gov/lists/verdev2008/33-32-carb_enstrom.pdf)

<http://www.scientificintegrityinstitute.org/Enstrom100108.pdf>

December 3, 2008 Enstrom-Fucaloro-Malkan-Phalen "Request to Postpone and Reassess CARB Diesel Regulations"

([http://www.arb.ca.gov/lists/truckbus08/902-request to postpone and reassess carb diesel regulations 120308.pdf](http://www.arb.ca.gov/lists/truckbus08/902-request%20to%20postpone%20and%20reassess%20carb%20diesel%20regulations%20120308.pdf))  
(<http://www.scientificintegrityinstitute.org/CARBPC120308.pdf>)

December 10, 2008 Enstrom public comments regarding proposed CARB Statewide Truck and Bus Regulations

([http://www.arb.ca.gov/lists/truckbus08/897-carb enstrom comments on statewide truck regulations 121008.pdf](http://www.arb.ca.gov/lists/truckbus08/897-carb%20enstrom%20comments%20on%20statewide%20truck%20regulations%20121008.pdf))  
(<http://www.scientificintegrityinstitute.org/CARBPC121008.pdf>)

May 27, 2009 Enstrom CARB Comments Regarding PM2.5 and Life Expectancy in California

([http://www.arb.ca.gov/lists/gmove09/1-carb enstrom comments re pm2.5 and life expectancy 052709.pdf](http://www.arb.ca.gov/lists/gmove09/1-carb%20enstrom%20comments%20re%20pm2.5%20and%20life%20expectancy%20052709.pdf))  
(<http://www.scientificintegrityinstitute.org/Enstrom052709.pdf>)

August 1, 2009 CDTOA-SCCA Forum on CARB Diesel Science Summary

(<http://www.scientificintegrityinstitute.org/ForumSummary080109.pdf>)

August 1, 2009 CDTOA-SCCA Forum on CARB Diesel Science Enstrom PPT Presentation "None of This is Real"

(<http://www.scientificintegrityinstitute.org/EnstromPPT080109.pdf>)

November 16, 2009 CARB Member John B. Telles Letter & Attachments to Ellen Peter Regarding CARB Employee Tran Fraud Uncovered by Enstrom and Young

(<http://www.scientificintegrityinstitute.org/Telles111609.pdf>)

December 8, 2009 Enstrom Comments on CARB Reviewer Conflicts of Interest

([http://www.arb.ca.gov/lists/dec09update/181-carb enstrom comments reviewer conflicts of interest 120809.doc](http://www.arb.ca.gov/lists/dec09update/181-carb%20enstrom%20comments%20reviewer%20conflicts%20of%20interest%20120809.doc))  
(<http://www.scientificintegrityinstitute.org/Enstrom120809.pdf>)

February 26, 2010 CARB Symposium on PM2.5 & Deaths Agenda & Panel

([http://www.arb.ca.gov/research/health/pm-mort/pm\\_symposium\\_agenda.pdf](http://www.arb.ca.gov/research/health/pm-mort/pm_symposium_agenda.pdf))

February 26, 2010 CARB Symposium on PM2.5 & Deaths Webcast

(<http://www.cal-span.org/cgi-bin/archive.php?owner=CARB&date=2010-02-26>)

February 26, 2010 CARB Symposium on PM2.5 & Deaths Enstrom PPT Presentation

(<http://www.arb.ca.gov/research/health/pm-mort/enstrom.pdf>)  
(<http://www.scientificintegrityinstitute.org/Enstrom022610.pdf>)

February 26, 2010 CARB Symposium on PM2.5 & Deaths Jerrett Transcript re CA CPS II & Enstrom Transcript re CA CPS I  
(<http://www.scientificintegrityinstitute.org/JerrettTrans022610.pdf>)

April 21, 2010 Enstrom CARB Comments on PM2.5 and Mortality in California  
([http://www.arb.ca.gov/lists/offroad09/25-carb\\_enstrom\\_comments\\_on\\_pm2.5\\_mortality\\_in\\_ca\\_042110.pdf](http://www.arb.ca.gov/lists/offroad09/25-carb_enstrom_comments_on_pm2.5_mortality_in_ca_042110.pdf))  
(<http://www.scientificintegrityinstitute.org/Enstrom042110.pdf>)

June 9, 2010 Forbes.com Commentary by Henry I. Miller and James E. Enstrom “California’s Diesel Regulations Are Hot Air”  
(<http://www.forbes.com/2010/06/08/california-diesel-regulation-pollution-opinions-columnists-henry-i-miller-james-e-enstrom.html>)

August 25, 2010 US EPA CASAC Teleconference Transcript on PM2.5 NAAQS  
(<http://www.scientificintegrityinstitute.org/CASACTranscript082510.pdf>)

August 26, 2010 FIRE Letter and Case 838 Website re UCLA Non-reappointment of Enstrom and Appeal Process Leading to Continuing Appointment of Enstrom  
(<http://www.scientificintegrityinstitute.org/FIRE082610.pdf>)  
(<http://thefire.org/case/838>)

September 30, 2010 Enstrom Analysis of 2000 HEI Reanalysis Report Figures 5 and 21 to Identify PM2.5 Risk in 49 US Cities  
(<http://www.scientificintegrityinstitute.org/HEIFigure5093010.pdf>)

December 10, 2010 Enstrom IAQA PPT Presentation on CARB Diesel Critique  
(<http://www.scientificintegrityinstitute.org/IAQA121010.PDF>)

December 15, 2010 Enstrom CARB Comments on Relationship Between PM2.5 and Total Mortality in California  
([http://www.arb.ca.gov/lists/on-offroad10/160-ca\\_relationship\\_pm2.5\\_mortality\\_table\\_121510.pdf](http://www.arb.ca.gov/lists/on-offroad10/160-ca_relationship_pm2.5_mortality_table_121510.pdf))  
(<http://www.scientificintegrityinstitute.org/Enstrom121510.pdf>)

April 4, 2011 Reason.com Commentary by Nick Gillespie “The Green Politics of Reprisals: UCLA’s Enstrom Gets a Hearing on His Unfair Dismissal”  
(<http://reason.com/blog/2011/04/04/the-green-politics-of-reprisal>)

June 9, 2011 Enstrom Critique to CARB Research Screening Committee re Jerrett CARB California PM2.5 Deaths Draft Final Report  
(<http://www.scientificintegrityinstitute.org/Enstrom060911.pdf>)

August 11, 2011 Enstrom Summary of Major Epidemiologic Studies of PM2.5 and Total Mortality in California  
(<http://www.scientificintegrityinstitute.org/Enstrom081111.pdf>)

September 16, 2011 Enstrom PPT to US Small Business Administration Environmental Roundtable PPT "Overestimation of PM2.5-related 'Premature Deaths' by US EPA and CARB" (<http://www.scientificintegrityinstitute.org/Enstrom091611.pdf>)

October 28, 2011 Enstrom Compilation of Criticism of Jerrett Report (<http://www.scientificintegrityinstitute.org/JerrettCriticism102811.pdf>)

November 28, 2011 Enstrom UCLA Institute of the Environment Seminar "Does Fine Particulate Matter Kill Californians? An Epidemiologic and Regulatory Controversy" (<http://www.scientificintegrityinstitute.org/loES112811.pdf>)

Thank you very much for considering my comments.

Sincerely yours,

A handwritten signature in blue ink that reads "James E. Enstrom". The signature is written in a cursive style.

James E. Enstrom, Ph.D., M.P.H.  
School of Public Health  
University of California  
Los Angeles, CA 90095-1772  
[jenstrom@ucla.edu](mailto:jenstrom@ucla.edu)  
(310) 825-2048

cc: Reference Attorney@OAL <[Reference.Attorney@oal.ca.gov](mailto:Reference.Attorney@oal.ca.gov)>